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SEP 25 2006

**OFFICE OF PETITIONS**

In re Application of :  
Biddix, et al. : DECISION ON PETITION  
Application No. 09/993,943 :  
Filed: November 6, 2001 :  
Docket No.: 071963-001 :

This is a decision on the petition under 37 C.F.R. § 1.137(b),  
filed May 8, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned June 23, 2004 for failure to  
timely reply to the non-final Office action mailed March 22,  
2004. The non-final Office action set a three (3) month  
shortened statutory period of time for reply. No extensions of  
time in accordance with 37 C.F.R. § 1.136 were timely requested.  
Notice of Abandonment was mailed January 19, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be  
accompanied by: (1) the required reply to the outstanding Office  
action or notice, unless previously filed; (2) the petition fee  
as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the  
entire delay in filing the required reply from the due date for  
the reply until the filing of a grantable petition pursuant to  
37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal  
disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required  
pursuant to 37 C.F.R. § 1.137(c).

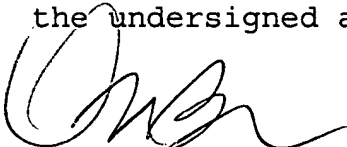
The above-identified application has been abandoned for an  
extended period of time. The Patent and Trademark Office is  
relying on petitioner's duty of candor and good faith in  
accepting the statement that the entire delay in filing the  
required reply from the due date for the reply until the filing  
of a grantable petition pursuant to 37 CFR 1.137(b) was  
unintentional. See, Changes to Patent Practice and Procedure, 62  
Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88  
and 103 (responses to comments 64 and 109) (applicant obligated  
under 37 CFR 10.18 to inquire into the underlying facts and

circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', is written over the printed name.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions